

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday April 19, 2019
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Special Appeal Meeting of March 15, 2019, Regular Appeal Meeting of March 22, 2019, and the Special Appeal Meeting of April 12, 2019 were considered for approval.

Chairman Liotta presented the minutes of the Special Appeal Meeting of March 15, 2019, Regular Appeal Meeting of March 22, 2019, and the Special Appeal Meeting of April 12, 2019 Meeting for approval.

Motion: Commissioner Tilly made a motion to approve the Special Appeal Meeting of March 15, 2019, Regular Appeal Meeting of March 22, 2019, and the Special Appeal Meeting of April 12, 2019 minutes.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

1. Jeff Dobson v. Express Employment Professionals & New Hampshire Insurance Co., File #CM2016-07205F

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bret A. Unterschuetz represented the Claimant and Travis A. Fulkerson represented the Respondent.

Motion: After reviewing the record and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

2. Reanna N. Rogers v. Tonkawa Hotel and Casino & Hudson Insurance Co., File #CM2018-02811L

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. James G. Devinney represented the Claimant and Jay L. Jones represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

3. Darlene Johnson v. Midwest City Del City Public Schools (Own Risk #16102, File #CM2017-07066Y)

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. William Emig represented the Claimant and Jeffrey W. Dasovich represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

4. Emily Stover v. Stand By Personnel Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2018-00076Y

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz represented the Claimant and Blake I. Whitten represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

5. Bonnie K. Norberg v. Tulsa Public Schools Independent School District #1 (Own Risk #11260), File #CM2017-03170A

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Arthur H. Adams is the attorney of record for the Claimant and Catharine M. Bashaw is the attorney of record for the Respondent.

Brett A. Underschuetz appeared for the parties to announce that a settlement agreement had been reached.

C. Commission Consideration of Adoption of Final Orders in the Following Cases:

1. James E. Dunlap v. MITF, File # CM2015-08328XMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan represented the Claimant. Michael Fagan represented the Respondent.

This case came on for Oral Argument on November 30, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Russell moved to adopt the order as proposed.

Second: Commissioner Tilly

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

2. Alicia A. Breuer v. Bounce Back Rehab PLC, & State Farm Fire and Casualty Co., File #CM2017-02739F

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett represented the Claimant. Norman Lemonik represented the Respondent.

This case came on for Oral Argument on February 1, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judge's order and instruct Commission Counsel or other staff member to draft a proposed order to be considered at a future meeting.

Motion: Commissioner Tilly moved to adopt the order as proposed.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

3. Dustin Wilson V. Dirt Wurx LLC, CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2018-00497R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert A. Flynn represented the Claimant and Blake I. Whitten represented the Respondent.

This case came on for Oral Argument on February 1, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judge's order and instruct Commission Counsel or other staff member to draft a proposed order to be considered at a future meeting.

4. Crescencio Rodriguez v. Trinity Industries Inc. & Ace American Insurance Co. File #CM2016-07223L

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Craig R. Armstrong represented the Claimant and Travis A. Fulkerson represented the Respondent.

This case came on for Oral Argument on February 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

5. Albert L. Hudson v. McClain County, CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File#CM2017-01699F

Respondent filed a motion to vacate the decision of the Commission en banc entered on April 24, 2018. After reviewing the record and deliberating, a proposed order has been circulated for consideration of adoption.

6. Shawna L. James v. Braums Ice Cream & Dairy Stores (Own Risk #13610), File #CM2017-02909L

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt represented the Claimant. Travis A. Fulkerson represented the Respondent.

This case came on for Oral Argument on February 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the Administrative Law Judge's Order and instruct Appellate Counsel or another staff member to draft a proposed order for consideration at a future meeting.

7. Gail Lee Ross v. Multiple Injury Fund File #CM2015-03929AMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Laura Beth Murphy represented the Claimant and Heather Fagan represented the Respondent.

This case came on for Oral Argument on March 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judges Order and instructed Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

8. Patty J. Justus v. INCA Community Services Inc., & CompSource Mutual Ins. Company (FKA CompSource Oklahoma) File #CM2014-09960X

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Greg A. Barnard represented the Claimant and Ronald V. Frangione represented the Respondent.

This case came on for Oral Argument on March 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been circulated for consideration of adoption.

Motion: Commissioner Russell moved to adopt the order as proposed.

Second: Commissioner Tilly

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

9. Stephanie T. Adkins v. Lowes Home Centers LLC (Own Risk #18931), File #CM2017-07709J

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Gary G. Prochaska represented the claimant and Jennifer Ahrend represented the Respondent.

This case came on for Oral Argument on March 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue agenda items 3, 4, 5, 6, 7 and 9 to the next appellate docket.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: REMAINING ORDERS CONTINUED

D. Announcements

Commission's next regular business meeting is Thursday, May 16, 2019. Commission's next regular meeting regarding Appeals is scheduled for Friday, May 17, 2019.

ADJOURNMENT

Motion: Commissioner Russell moved to adjourn the meeting at approximately 12:10 p.m.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.